IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SECOND DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 20101 of 2004

Between:

1. Syed Amanulla, S/o. Syed Abdul Kareem, 45 years
R/o. H.No. 1-5-6/1, New Town, Mahabubnagar,

Mahabubnagar District.
2. Smt. Rahana Begum, W/o. Shaik Mahamood,
R/o. H.No.3-10-46, Rehamania Street, Mahabubnagar,

Mahabubnagar District.
3. Mohd. Easa, S/o. Mohd. Ismail,
R/o. H.No.1-5-18, New Town, Mahabubnagar,

Mahabubnagar District.

... PETITIONERS

AND

1. The Commissioner, Mahabubnagar Municipality,
Mahabubnagar District.
2. The District Collector, Mahabubnagar District, Mahabubnagar.
3. The Director of Town and Country Planning, Govt. of A.P.,

Masab Tank, Hyderabad.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more in the nature of writ of Mandamus declaring the action of the

respondents herein in treating the land belonging to the petitioners herein, which are house sites, as the land fallen in the municipal land by mere inspection claimed to have been made by the 1st respondent as disclosed by his letter dt. 4.8.2004 to the respondent No.2 District Collector as illegal, void and unconstitutional and consequently to direct the respondents to retrain from in any way interfering with the possession and enjoyment of the petitioners lands with extents 466.66 sq yards, 350.00 sq. yards, and 400.00 sq. yards, respectively of the petitioners 1 to 3 herein before resorting to seeking a declaration of their title as against the title of the petitioners herein in accordance with law in civil courts.

Counsel for the Petitioners: MR.M.SUDHIR KUMAR

Counsel for the Respondents 2 and 3: GP FOR MUNCIPAL ADMN. & URBAN DEV.

The Court, at the admission stage, made the following:

ORDER:

A letter was written by the Commissioner, Mahabubnagar Municipality to the Collector and District Magistrate, Mahabubnagar on 04-08-2004 informing him that Ac.466.66.
Sq. yards where the petitioner undertook some construction is encroached into the municipal land and the said land falls within the municipal land, where the municipality started construction of compound wall for the development of Boat club and park.

2. It cannot be presumed that the District Collector will not follow the procedure to evict the petitioner without issuing any notice. It is needless to say that the Collector will follow due procedure before passing any orders adverse to the interest of the petitioner.

The writ petition cannot be entertained as it is premature and it is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

November 2, 2004

N.B. *copy by tomorrow*

(B/o)

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Commissioner, Mahabubnagar Municipality,
   Mahabubnagar District.
2. The District Collector, Mahabubnagar District, Mahabubnagar.
3. The Director of Town and Country Planning, Govt. of A.P.,

Masab Tank, Hyderabad.

4. 2CCs to G.P. for Municipal Administration & Urban Development,

High Court Buildings, Hyderabad (OUT)

5. 2CD copies